

PATENT

Attorney Docket No.: 678-756 (P9786)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	SHINICHI, Haruyuma.	GROUP ART UNIT: 2614
SERIAL NO.:	10/037,194	EXAMINER: Alexander JAMAL
FILED:	November 9, 2001	DATED: October 29, 2007
FOR:	PORTABLE COMMUNICATION TERMINAL WITH REDUCED SPECIFIC ABSORPTION RATE	

Mail Stop
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313,1450
Attention: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to a payment for second month extension of time incurred because of a delay that is believe to have been caused by the U.S. Patent and Trademark Office with respect to the above-identified application

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

An Office Action marked "Final" by the Examiner was mailed on May 21, 2007. On August 20, 2007 a Response to the Office Action was filed, and received by the U.S. Patent and Trademark Office (the Office) on August 22, 2007 as evidenced by the return postcard attached hereto.

An Advisory Action finally issued on September 26, 2007. A period of over one month elapsed between the filing of the August 2007 Response and the issuance of the September 2007 Advisory Action.

The Advisory Action was responded to by filing a Request for Continued Examination on October 22, 2007 along with a two month Extension of Time, and the filing fees required therefor.

It is respectfully submitted that if not for the delay of the Patent Office, the fees associated with the second month Extension of Time of \$340.00 would not have been incurred by the applicant.

The delay was directly caused by the Office, and in turn caused the Applicant to incur the costs associated with the second month extension of time, namely \$340.00, which is the difference between the one month extension fee and the two month extension fee.

Due to the delay of the issuance of the Advisory Action by the U.S. Patent and Trademark Office, a payment of the second month extension of time for a total of \$340.00 was required.

IV. MANNER OF REFUND

Please make refund by

 X crediting Deposit Account No. 50-4053.

 refunding payment.

Respectfully requested,



Paul J. Farrell

Reg. No. 33,494

Attorney for Applicant(s)

Dated: October 29, 2007

THE FARRELL LAW FIRM
333 Earle Ovington Blvd., Suite 701
Uniondale, New York 11553
(516) 228-3565 (tel)
(516) 228-8475 (fax)
PJF/dr

II. FEES CHARGED FOR WHICH REFUND REQUESTED

AMOUNT OF REFUND REQUESTED

<input type="checkbox"/>	filing fee	
<input type="checkbox"/>	surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. §1.16(e)	
	and/or	
<input type="checkbox"/>	surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. §1.16(e)	
<input type="checkbox"/>	extension of term	
<input type="checkbox"/>	first month	
<input checked="" type="checkbox"/>	second month	<u>\$ 340.00</u>
<input type="checkbox"/>	third month	
<input type="checkbox"/>	fourth month	
<input type="checkbox"/>	excess claims	
<input type="checkbox"/>	issue fee	
<input type="checkbox"/>	petition fee	
<input type="checkbox"/>	patent maintenance fee	
<input type="checkbox"/>	first maintenance fee	
<input type="checkbox"/>	second maintenance fee	
<input type="checkbox"/>	third maintenance fee	
<input type="checkbox"/>	patent maintenance fee surcharge	
<input type="checkbox"/>	other	
	TOTAL REFUND REQUESTED	<u>\$ 340.00</u>

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Amendment Transmittal (in duplicate)
2. Amendment
3. Revocation of Power of Attorney
4. Statement Under 37 CFR 3.73(b)
5. Return Postcard

All Under Certificate of Mailing

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